

**REMARKS**

Applicants thank the Examiner and his supervisor for the courtesies extended to Applicants' representative during an interview on March 3, 2009. During the interview, the Amendment filed February 13, 2009 was discussed. Applicants' representative and the Examiners discussed the cited references, and the Examiners indicated that a supplemental response would be considered. The following supplements Applicants' February 13, 2009 Amendment.

Applicant hereby amends independent claims 1, 23, 30, 33, 34, 41, 45, and 51 to recite further distinctions between Applicants' claims and the cited references. Claims 1-53 are pending in the application, with claims 1, 23, 30, 33<sup>1</sup>, 34, 41, 45, and 51 being in independent form.

In the Office Action dated October 14, 2008<sup>2</sup>, the Examiner rejected claims 1-50<sup>3</sup> under 35 U.S.C. § 103(a) as being unpatentable over WO 01/48678 A1 to Andersson et al. ("*Andersson*") in view of U.S. Patent No. 6,958,747 B2 to Sahlberg et al. ("*Sahlberg*").

Applicants' claim 1, as amended, recites an information processing system including, amongst other elements, "an allocation unit configured to assign on

---

<sup>1</sup> As Applicants' representative indicated in the interview, claim 33 was previously amended to be in independent form but was inadvertently referred to as a dependent claim in the February 13, 2009 Amendment.

<sup>2</sup> The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

<sup>3</sup> Although page 2 of the Office Action indicates that only claim 1 was rejected under 35 U.S.C. § 103(a), pages 3-12 of the Office Action as well as the Office Action Summary suggest that the Examiner also intended to reject claims 2-50 and Applicants have responded accordingly. If Applicants' assumption is incorrect, Applicants request that the Examiner notify Applicants' representative.

command, from a position data bank, position data for a current graphical object, and to provide allocation data which associates said assigned position data with the current graphical object . . . wherein the allocation unit is commanded to assign the position data in response to a selection of the current graphical object." The Office Action concedes that "Andersson does not teach an allocation unit." Office Action at 2.

Citing to column 2, lines 18-29 of *Sahlberg*, the Office Action indicates that "Sahlberg teaches an allocation unit that produces position data for a graphical object." Office Action at 2. The cited excerpt of *Sahlberg* states:

According to an aspect of the invention, a method is provided for developing a product that has at least one activation area which is provided with a position code that codes at least one position on an imaginary surface, which position causes a device that detects the position code to initiate an operation that utilizes the position recorded by the device. The method is characterized by the step of producing a digital representation of at least part of the product, which representation comprises image points, each image point in the digital representation of the activation area corresponding to a position on the imaginary surface.

Applicants maintains that, even if *Sahlberg* were to teach "produc[ing] position data for a graphical object," the mere production of position data does not teach or suggest the assignment of position data by an allocation unit on command. Claim 1, as amended, further recites that the allocation unit is commanded to assign position data in response to a selection of a current graphical object.

*Sahlberg's* product and digital representation of part of a product are each already provided with position code in one or more areas. February 13, 2009 Amendment at 21-22. *See also, e.g., Sahlberg* at col. 7, ll. 17-27 ("[T]he user can obtain a template in order to develop his product . . . . The template comprises a digital

representation of a writing surface 203, a digital representation of a command field 204 and a digital representation of a character-interpretation area A."); col. 7, ll. 57-67 ("On the digital representation of the writing surface 203 there is a position code which is constructed of symbols."); col. 8, ll. 38-42 ("In the embodiment shown, the activation areas are provided with the same position code as the writing surface."); col. 9, ll. 7-9 ("The character-interpretation area is provided with the same position code as the writing surface and the activation areas. . . ."); col. 9, ll. 13-20. Thus, there is no teaching or suggestion of the claimed "allocation unit" that is "configured to assign on command, from a position data bank, position data for a current graphical object, and to provide allocation data which associates said assigned position data with the current graphical object . . . wherein the allocation unit is commanded to assign the position data in response to a selection of the current graphical object" as recited in amended claim 1.

In view of the above, the Office Action has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and the claimed invention. Furthermore, the Office Action has failed to clearly articulate a reason why the claim would have been obvious to one of ordinary skill in view of the prior art. Therefore, a *prima facie* case of obviousness has not been established for at least the reasons discussed above and the Examiner should withdraw the rejection of independent claim 1 under 35 U.S.C. § 103(a).

Independent claims 23, 30, and 33, although of different scope from independent claim 1 and from each other, include recitations similar to independent claim 1. Similarly, although different from claims 1, 23, 30, and 33, independent claim 34, as

amended, recites a method including a step of "assigning from a position data bank position data for the current graphical object in response to the selection of the current graphical object." Independent claims 41 and 45 are different in scope from claim 34 and from each other, but also include similar recitations. Accordingly, a *prima facie* case of obviousness has not been established with respect to independent claims 23, 30, 33, 34, 41, and 45 for at least reasons similar to those provided above with respect to claim 1. Therefore, the Examiner should also withdraw the rejection of independent claims 23, 30, 33, 34, 41, and 45 under 35 U.S.C. § 103(a).

Dependent claims 2-22, 24-29, 31-32, 35-40, 42-44, and 46-50 depend from one of independent claims 1, 23, 30, 33, 34, 41, and 45. Accordingly, a *prima facie* case of obviousness has not been established with respect to the dependent claims. Therefore, the Examiner should withdraw the rejection of the dependent claims under 35 U.S.C. § 103(a) at least due to their dependence.

Claims 51-53, which were added in the February 13, 2009 Amendment, are patentable for at least reasons similar to those previously discussed. For example, new independent claim 51 recites "an interface configured to receive a user command selecting from the first memory at least one graphical object to which position data is to be assigned" and "a processor configured to assign position data from the second memory to the at least one graphical object, subsequent to the selection by the user." As discussed previously, none of the references of record teach or suggest the unique combination of claim 51, including an interface configured to receive a user command selecting a graphical object for assignment of position data and "a processor configured to assign position data from the second memory to the at least one graphical object,

subsequent to the selection by the user." Therefore, claim 51 is allowable over the cited references, and allowance is respectfully requested. Allowance of claims 52 and 53, which depend from claim 51, is also respectfully requested.

**Conclusion**


Applicants thank the Examiner for considering this supplemental response. In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: March 12, 2009

By:   
Kay H. Hill  
Reg. No. 62,833  
(202) 408-4000